

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**MARK S. SMITH, JR.,
Plaintiff,**

v.

No. 09-CV-1064-DRH-DGW

**WACKER NEUSON CORPORATION
and WACKER NEUSON SE,
Defendants.**

**WACKER NEUSON CORPORATION
and WACKER NEUSON SE,
Third-Party Plaintiffs,**

v.

**FONTANA CONTRACTING COMPANY
and WESCON PRODUCTS COMPANY,
a subsidiary of Latshaw Enterprises, Inc.,
Third-Party Defendants.**

ORDER

HERNDON, Chief Judge:

On October 13, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of Wacker Neuson SE (Doc. 90). The Court **ACKNOWLEDGES** the notice of dismissal and **DISMISSES with prejudice** Wacker Neuson SE as a defendant. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment at the close of the case reflecting the same.

IT IS SO ORDERED.

Signed this 14th day of October, 2011.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2011.10.14
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**Chief Judge
United States District Court**